

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:18-cr-00026

JAMES H. BLUME, JR. -01,  
MARK T. RADCLIFFE -02,  
MICHAEL T. MORAN -04,  
SANJAY MEHTA -05,  
BRIAN GULLETT -06,  
VERNON STANLEY -07,  
MARK CLARKSON -08,  
WILLIAM EARLEY -09,  
ROSWELL TEMPEST LOWRY -11,

Defendants.

**ORDER**

The Court has reviewed the *Motion to Continue Trial on Behalf of Defendant Roswell Tempest Lowry, M.D.* (Document 665) filed in the above-styled matter. Therein, Defendant Lowry moves for a continuance of the trial, and related dates, and for a finding of excludable time under the Speedy Trial Act, on the grounds, *inter alia*, that Defendant Lowry is suffering from numerous medical and health-related conditions, is scheduled for an upcoming surgery, and, therefore, needs a continuance of the existing trial-related dates. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

WHEREFORE, finding that the interest of the public and the Defendants in a speedy trial is outweighed by the ends of justice served by granting a continuance, the Court, for good cause shown as set forth in the motion, does hereby **ORDER** that the motion (Document 665) be **GRANTED**. The trial, previously scheduled for November 18, 2019, is **CONTINUED** as to all Defendants to **February 24, 2020, at 9:00 a.m.** Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court. The Court **ORDERS** that the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **February 10, 2020**.

The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for November 1, 2019, be **CONTINUED** to **February 4, 2020, at 1:30 p.m.**, in Beckley, West Virginia, before the Honorable Omar J. Aboulhosn. The deadline for filing pretrial motions was October 15, 2019.

The parties are **ORDERED** to notify the Court of any proposed plea agreement in sufficient time such that a plea hearing may be scheduled by the Court no later than a week before trial. Furthermore, the parties are put on notice that, should a scheduled plea hearing not be completed, the Court will not consider the same to be good cause to support a continuance of the trial.

The United States Marshals Service is **ORDERED** to transport any incarcerated Defendant from his location of confinement to the aforesaid court proceedings.

The Court **FINDS** that the time between November 18, 2019, and February 24, 2020, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendants and their respective counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: October 22, 2019



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA